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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
EUGENE DIVISION

DEPAUL INDUSTRIES, an Oregon non-profit corporation,

Plaintiff,

v.

CITY OF EUGENE, a municipal corporation;
JOHN RUIZ, in his official capacity as the City Manager of the City of Eugene; **BENJAMIN MILLER**, personally and in his official capacity as Assistant City Attorney for the City of Eugene; **LAVENA NOHRENBURG**, in her official capacity as Customer Experience Manager of the City of Eugene Public Library; **CLAYTON STILWELL**, in his official capacity as Purchasing Analyst for the Finance Department of the City of Eugene; and **DOES 1-9**, unknown individuals acting under color of law,

Defendants.

Civil No. 6:18-cv-00320-MC

JOINT PROPOSED JURY INSTRUCTIONS

The parties respectfully submit the following Joint Proposed Jury Instructions for the Court's review. Pursuant to LR 51, model instructions from Chapters 1, 2, and 3 of the Ninth Circuit's Manual of Model Civil Jury Instructions are identified only by instruction number and title. Remaining joint proposed instructions follow the summary table. The parties will provide separate submissions for instructions which have not been agreed upon.

Joint Instruction No.	Model Instruction No.	Name
1	FEDCIV-JI9C 1.2	Duty of Jury [preliminary]
2	FEDCIV-JI9C 1.4	Duty of Jury [end of evidence]
3	FEDCIV-JI9C 1.6	Burden of Proof – Preponderance of the Evidence
4	FEDCIV-JI9C 1.7	Burden of Proof – Clear and Convincing Evidence
5	FEDCIV-JI9C 1.8	Two or More Parties
6	FEDCIV-JI9C 1.9	What is Evidence
7	FEDCIV-JI9C 1.10	What is Not Evidence
8	FEDCIV-JI9C 1.11	Evidence for a Limited Purpose
9	FEDCIV-JI9C 1.12	Direct and Circumstantial Evidence
10	FEDCIV-JI9C 1.13	Ruling on Objections
11	FEDCIV-JI9C 1.14	Credibility of Witnesses
12	FEDCIV-JI9C 1.15	Conduct of the Jury
13	FEDCIV-JI9C 1.17	No Transcript Available to Jury
14	FEDCIV-JI9C 1.18	Taking Notes
15	FEDCIV-JI9C 1.20	Bench Conferences and Recesses
16	FEDCIV-JI9C 1.21	Outline of Trial
17	FEDCIV-JI9C 2.3	Judicial Notice
18	FEDCIV-JI9C 2.4	Deposition in Lieu of Live Testimony
19	FEDCIV-JI9C 2.9	Impeachment Evidence--Witness
20	FEDCIV-JI9C 2.11	Use of Interrogatories
21	FEDCIV-JI9C 2.13	Expert Opinion
22	FEDCIV-JI9C 2.14	Charts and Summaries Not Received in Evidence
23	FEDCIV-JI9C 2.15	Charts and Summaries Received in Evidence
24	FEDCIV-JI9C 9.1	Section 1983 Introductory Instruction (see instruction below)

JOINT INSTRUCTION NO. 23

CLAIMS 3, 4, AND 5 – SECTION 1983 CLAIMS—INTRODUCTORY INSTRUCTION

DePaul brings its Third, Fourth and Fifth claims under the federal statute, 42 U.S.C. § 1983, which provides that any person or persons who, under color of state law, deprives another of any rights, privileges, or immunities secured by the Constitution or laws of the United States shall be liable to the injured party.¹

¹ Ninth Circuit Model Instruction No. 9.1.

Respectfully submitted this 15th day of October, 2021.

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was served on the following ECF participants by electronic means through the Court's Case Management/Electronic Case File system on the date set forth below:

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In addition, the following NON-ECF participants were served with a courtesy copy by e-mailing a copy thereof to each party's last-known e-mail address on the date set forth below:

None.

DATED this 15th day of October, 2021.

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